

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.178 OF 2007

Pramod Prakash Chavan. ...Applicant.

Versus

The State of Maharashtra ...Respondent.

.....
Mr.R.S.Dubey, Adv. for the Applicant.
Mrs.A.S.Pai, APP, for the State.
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CORAM : SMT.V.K.TAHILRAMANI, J.

DATED : 5th June, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.I-336 of 2005 of Mahatma Phule Chowk Police Station, Kalyan, District - Thane. The said case is under Sections 399, 402 of IPC and under Sections 3(1) and 2(4) of the MCOC Act.

3. The material on record shows that the applicant was arrested along with coaccused from the place where they had assembled after making

preparations to commit dacoity. Some of the accused were armed with weapons. One of them was possessing chilly powder and the present applicant was found in possession of adhesive tape.

4. The learned Advocate for the applicant has submitted that the coaccused have been released on bail and case of the present applicant is similar to that of the coaccused. He has stated that coaccused Mahesh Chavan and Pravin Sawant have been released on bail and the case of the present applicant is similar to that of Mahesh Chavan and Pravin Sawant. As far as this aspect is concerned, it is seen that the applicant was caught red-handed on the spot where he along with coaccused assembled after making preparations to commit dacoity. However, Mahesh Chavan and Pravin Sawant were not on the spot i.e. they were not caught red-handed and they came to be arrested after some days. Hence, it cannot be said that the case of the present applicant is similar to that of these two coaccused persons Mahesh Chavan and Pravin Sawant.

5. Thereafter, it was submitted that another coaccused Mukesh Naik has been released on bail and Mukesh Naik was also caught redhanded on the spot like the present applicant. As far as coaccused Mukesh Naik is concerned, I have perused the order whereby the said accused person came to be granted bail. In the said order I find that it is reflected therein that no other offence is registered against him. This appears to be one of the main grounds for granting bail to Mukesh Naik. However, Mr.Dubey, the learned Advocate for the applicant has submitted that Mukesh Naik was also involved in C.R. No.98 of 2005 i.e. the very case in which the present applicant is also involved and hence the case of the applicant stands on the same footing as that of Mukesh Naik. No doubt coaccused Mukesh was caught red handed along with the present applicant. However, the present applicant was involved in three other cases, besides the present one, i.e. C.R.No.98 of 2005 of Mahatma Phule Chowk Police Station, Kalyan, C.R.No.41 of 2003 of Vishnu Nagar Police Station, and C.R.No.116 of 2004 of Vishnu Nagar Police Station. C.R.No.41 of 2003 is mainly under

Section 307 of IPC and C.R.No.116 of 2004 is under Sections 399, 402 of IPC and the Arms Act. The present applicant is involved in many more cases than coaccused Mukesh, hence, it cannot be said that the case of Mukesh Naik and the present applicant is similar.

6. Looking to the antecedents of the present applicant especially C.R.No.116 of 2004, it is seen that the applicant is habitually involved in similar criminal activities. In such case, I do not think that this is a fit case to grant bail. Application is rejected. Trial is expedited.

(SMT.V.K.TAHILRAMANI, J.)